

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VELOCITY INTERNATIONAL, INC.,)	
d/b/a)	
VELOCITY BROADCASTING,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CELERITY HEALTHCARE SOLUTIONS, INC.)	
f/k/a)	
CELERITY HEALTHCARE SOLUTIONS LLC)	Civil Action No. 09-102
)	
Defendant and Third-Party)	
Plaintiff,)	
)	
vs.)	
)	
PHILIP ELIAS,)	
)	
Third Party Defendant.)	

MEMORANDUM OPINION

Pending before the Court are two motions, the first a motion for partial reconsideration of the Court's Order of June 1, 2010, filed by Defendant Celerity Healthcare Solutions, Inc. ("Celerity"), at Doc. No. 55. On June 1, 2010, the Court ordered that discovery to be extended in this matter until June 15, 2010. (See Doc. No. 53.) Celerity seeks a further extension to an unspecified date in order to take five previously-noticed depositions which, due to the lack of responses to written discovery and the parties' scheduling difficulties, cannot be completed before the new discovery deadline.

In its response to Celerity's motion, Plaintiff Velocity International, Inc. ("Velocity"), states that it does not oppose Celerity's request, but requests a further 30- to 45-day extension in which depositions of fact witnesses for both parties might be scheduled. (Plaintiff's Response to Defendant's Motion for Partial Reconsideration, Doc. No. 57, "Plf.'s Resp.," ¶ 14.) In addition, although not in the form of a motion, Velocity seeks yet another extension of discovery until June 18, 2010, in order to allow it to prepare a privilege log, amend interrogatory responses and clarify objections in order to comply with the Court's Order of June 1, 2010. Finally, Velocity seeks, again without filing a motion, an order directing that it need not respond to Celerity's amended document requests 28, 29 and 30. (Plf.'s Resp. ¶¶ 9-12.)

This case was filed on January 28, 2009, and after denying Celerity's motion to dismiss Velocity's counterclaims, the Court ordered discovery to formally begin on June 30, 2009. This fairly straightforward breach of commercial contract suit has thus been in discovery for almost one year. None of the parties appears to have been as forthcoming as it might have been with its responses to discovery, as evidenced by the numerous motions to compel and requests for extension of time to respond. However, as stated in more detail in the Order attached hereto, we shall grant Celerity's motion for an extension of time in which to complete the five depositions identified in its motion at footnote 1. Moreover,


despite Velocity's failure to provide a proper motion seeking an extension of time in which to complete discovery, we shall grant that "motion" as well. However, having reviewed the amended document requests 28, 29, and 30 which Velocity attached to its response, we believe these requests are stated with the exactitude the Court anticipated in its June 1, 2010 Order and therefore Velocity's "motion" for an order excusing it from responding is denied.

The second motion filed by Celerity at Docket No. 56 seeks to compel responses from Counterclaim Defendant Philip Elias to Celerity's First Set of Interrogatories and First Set of Requests for Production of Documents. Celerity served those discovery requests on Mr. Elias on April 30, 2010, well before the end of fact discovery at the time, i.e., May 31, 2010. After Mr. Elias failed to respond within the time period set out in Fed. R. Civ. P. 34(b)(2), counsel for Celerity brought that failure to Mr. Elias's attention by means of a letter to his counsel, granting an additional four days in which to respond. The motion to compel was filed on June 4, 2010, after no responses were forthcoming, and seeks an Order of Court compelling Mr. Elias to respond within five days of the Court's Order on the pending motion.

In its response to the motion to compel, Mr. Elias states that he does not object to completing responses within the time period proposed. As set forth in the Order attached hereto, he is

therefore directed to do so.

June 15, 2010



William L. Standish
United States District Judge